

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Blockquarry Corp. f/k/a ISW Holdings, Inc.,

Plaintiff,

v.

Litchain Corp. and Gaffney Board of Public
Works,

Defendants.

Gaffney Board of Public Works,

Counter-/Cross-Claimant,

v.

Blockquarry Corp. f/k/a ISW Holdings, Inc.,
Counterclaim Defendant, and Litchain Corp.,
Crossclaim Defendant.

C/A No.: 7:23-cv-01427-TMC

**PLAINTIFF’S MOTION FOR
SECTION 15-9-240(C) SERVICE,
EXTENSION OF TIME TO SERVE,
AND, IN THE ALTERNATIVE,
SERVICE BY PUBLICATION**

Plaintiff Blockquarry Corp. f/k/a ISW Holdings, Inc. (“Plaintiff” or “Blockquarry”) respectfully requests an Order, pursuant to S.C. Code Ann. § 15-9-240, allowing Defendant Litchain Corp (“Litchain”) to be served process by the method statutorily prescribed therein. In the alternative, Plaintiff requests that it be allowed to be serve Litchain by publication pursuant to S.C. Code Ann. § 15-9-710 and Fla. Stat. §§ 49.011, 49.021. In either instance, Plaintiff requests an extension of time within which to perfect service on Litchain, pursuant to Federal Rule of Civil Procedure 4(m). Undersigned counsel has conferred with counsel for Defendant Gaffney Board of Public Works, who has conveyed that Defendant Gaffney Board of Public Works has no objection

to the relief requested herein and would consent to the same if ordered. Plaintiff is filing a separate supporting memorandum contemporaneously herewith per Local Civ. Rule 7.04.

1. On April 7, 2023, Plaintiff initiated this action by filing its Complaint. (ECF No. 1.)

2. Since that date, despite diligent efforts to do so, Plaintiff has been unable to personally serve Litchain's South Carolina registered agent, Tony Tate, who is also its principal, or obtain proof of delivery to Litchain or its agents at any of its addresses of record. (*See* ECF No. 27 (detailing Plaintiff's service efforts thus far by verified status report).)

3. A copy of a proposed summons, modified to include the language required by S.C. Code Ann. § 15-9-240(c), addressed to Litchain's principal office is attached hereto as Exhibit A.

4. Plaintiff requests entry of an Order allowing service of Litchain pursuant to S.C. Code Ann. § 15-9-240 and execution of the proposed summons. To this end, a proposed order is filed contemporaneously with this motion as Exhibit B.

5. In the alternative, Plaintiff requests to be allowed to serve Litchain by publication, pursuant S.C. Code Ann. § 15-9-710 and Fla. Stat. §§ 49.011, 49.021.

6. In addition to either form of requested relief, Plaintiff requests that the time within which it must perfect service on Litchain be extended beyond July 6, 2023, pursuant to Rule 4(m), by 45 days.

7. Pursuant to Local Rule 7.02, counsel for Plaintiff represents that prior to filing the instant motion, they attempted (as part of and in addition to the above efforts to perfect service) to contact Litchain and/or its counsel in good faith to resolve the matter contained in the instant motion and have been unable to do so.

June 19, 2023

Greenville, South Carolina

Respectfully submitted,

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